

MARQUIS AURBACH

10001 Park Run Drive  
Las Vegas, Nevada 89145  
(702) 382-0711 FAX: (702) 382-5816

**MARQUIS AURBACH**

Chad F. Clement  
Nevada Bar No. 12192  
Alexander K. Calaway, Esq.  
Nevada Bar No. 15188  
10001 Park Run Drive  
Las Vegas, Nevada 89145  
Telephone: (702) 382-0711  
Facsimile: (702) 382-5816  
[cclement@maclaw.com](mailto:cclement@maclaw.com)  
[acalaway@maclaw.com](mailto:acalaway@maclaw.com)

**LUCOSKY BROOKMAN LLP**

Samuel Louis Blatnick (admitted *pro hac vice*)  
111 Broadway, Suite 807  
New York, NY 10006  
(732) 712-2708  
[Sblatnick@lucbro.com](mailto:Sblatnick@lucbro.com)

*Attorneys for Defendants Markman Biologics Corp.  
Alan Shinderman and Aspen Asset Management Services, LLC*

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

vs.

MARKMAN BIOLOGICS CORP. and  
ALAN SHINDERMAN,

Defendant,

and

ASPEN ASSET MANAGEMENT  
SERVICES, LLC

Relief Defendant

Case No. 2:23-cv-00288-APG-DJA

**STIPULATION AND ORDER TO  
EXTEND EXPERT AND REBUTTAL  
EXPERT WITNESS DISCLOSURE  
DEADLINES (FIRST REQUEST)**

**STIPULATION AND ORDER TO EXTEND EXPERT AND REBUTTAL EXPERT  
WITNESS DISCLOSURE DEADLINES  
(FIRST REQUEST)**

Defendants Markman Biologics Corp. and Alan Shinderman (collectively, the “Defendants”) and Relief Defendant Aspen Asset Management Services, LLC (the “Relief Defendant” and, collectively with Defendants, the “Responding Defendants”), by and through their undersigned counsel of record, and Plaintiff, Securities and Exchange Commission (“SEC”), by and through their undersigned counsel of record, hereby stipulate and agree to extend the expert witness disclosure and rebuttal expert witness disclosure deadlines an additional forty-five (45) days. This Stipulation is being entered in good faith and not for purposes of delay.

**I. STATUS OF PROCEDURAL HISTORY.**

1. On February 23, 2023, Plaintiff filed a Complaint (ECF No. 1).
2. On May 5, 2023, Defendants filed an Answer (ECF No. 2).
3. On May 26, 2023, Plaintiff filed a Motion to Strike Certain Affirmative Defenses and Construe Certain Affirmative Defenses as Denials (ECF No. 12).
4. On June 9, 2023, Defendants and Relief Defendant filed an Opposition to Plaintiff’s Motion to Strike (ECF No. 15).
5. On June 15, 2023, the Parties filed their Stipulated Discovery Plan and Scheduling Order (ECF No. 16).
6. On June 16, 2023, Plaintiff filed its Reply Brief in Support of Motion to Strike Certain Affirmative Defenses and Construe Certain Affirmative Defenses as Denials (ECF No. 17).
7. On June 16, 2023, the Court granted the Parties’ Stipulated Discovery Plan and Scheduling Order (ECF No. 18).
8. On July 27, 2023, the Parties filed a Stipulation and [Proposed] Protective Order (ECF No. 20).
9. On July 31, 2023 the Court granted the Stipulation and Protective Order (ECF No. 21).

**II. HISTORY OF DISCOVERY**

1. The Responding Defendants are considering retaining expert witnesses. If they do so, then the Plaintiff may retain rebuttal expert witnesses.

**III. DISCOVERY THAT REMAINS TO BE COMPLETED.**

1. The Parties need to disclose any expert witnesses and rebuttal expert witnesses which they retain.

2. Should the Parties retain expert witnesses, the Parties will need to depose the other Parties' experts.

**IV. SPECIFIC DESCRIPTION OF WHY EXTENSION IS NECESSARY.**

The Responding Defendants are considering retaining one or more expert witnesses. In that discovery has just begun -- and the case issues are complex, implicating, among other issues, the "bad actor" rule in connection with the registration exemptions set forth in Rule 506 of Regulation D of the Securities Act [17 C.F.R. § 230.506(d)], and the advice of counsel defense -- the Responding Defendants have not yet been able to determine which, if any, expert witnesses they will need to retain in this action. Accordingly, the Responding Defendants need additional time to determine whether or not they will be retaining expert witnesses. The Responding Defendants believe that an additional forty-five (45) days after the current expert witness disclosure deadline of September 1, 2023, will be sufficient time to enable them to determine whether or not they will be retaining expert witnesses, and to disclose any such witnesses. Should the Responding Defendants retain expert witnesses, then Plaintiff will need additional time to retain and disclose any rebuttal expert witnesses, and Plaintiff believes that an additional forty-five (45) days after the current deadline of September 28, 2023 for the rebuttal expert witness disclosure should be sufficient.

**V. ~~PROPOSED~~ SCHEDULE FOR COMPLETING THE EXPERT AND REBUTTAL EXPERT WITNESS DISCLOSURE DEADLINES**

	<b>Current Deadline</b>	<b><del>Proposed</del> New Deadline</b>
Expert Witness Disclosure	September 1, 2023	<b>October 16, 2023</b>
Rebuttal Expert Witness Disclosure	September 28, 2023	<b>November 15, 2023</b>

Based on the foregoing Stipulation and proposed expert witness and rebuttal expert witness disclosure deadlines plan, the Parties request that the expert witness disclosure and rebuttal expert witness disclosure deadlines be extended an additional forty-five (45) days so that the Parties may efficiently manage expert and rebuttal expert witness disclosures.

STIPULATED AND AGREED TO:

Dated this 1<sup>st</sup> day of September, 2023

Dated this 1st day of September, 2023

**MARQUIS AURBACH**

Bv: /s/ Chad F. Clement

Chad F. Clement, Esq.  
Nevada Bar No. 12192  
Alexander K. Calaway, Esq.  
Nevada Bar No. 15188  
10001 Park Run Drive,  
Las Vegas, NV 89145

**LUCOSKY BROOKMAN LLP**

By /s/ Samuel L. Blatnick

Samuel Louis Blatnick, Esq.  
(Admitted Pro Hac Vice)  
111 Broadway, Suite 807  
New York, NY 10006

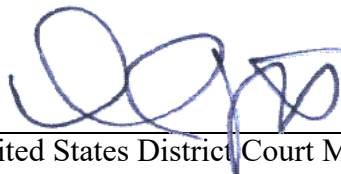
*Attorneys for Defendants Markman  
Biologics Corp., Alan Shinderman and  
Aspen Asset Management Services, LLC*

Bv: /s/ Edward J. Reilly

Edward J. Reilly, Esq.  
Ada Fernandez Johnson, Esq.  
Katherine H. Stella, Esq.  
100 F Street, NE  
Washing DC 20549  
*Attorneys for Plaintiff Securities  
and Exchange Commission*

DATED: 9/5/2023

IT IS SO ORDERED.



United States District Court Magistrate Judge

**MARQUIS AURBACH**

10001 Park Run Drive  
Las Vegas, Nevada 89145  
(702) 382-0711 FAX: (702) 382-5816